

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

SECOND SPECIAL SESSION

December 12, 1991 to January 7, 1992

SECOND REGULAR SESSION

January 8, 1992 to March 31, 1992

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 30, 1992

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Company
Augusta, Maine
1992

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
SECOND REGULAR SESSION

of the
ONE HUNDRED AND FIFTEENTH LEGISLATURE

1991

office is certified as a Medicare ambulatory surgical center.

2. Standards. The department shall establish standards for the licensure of ambulatory surgical facilities effective ~~January 1, 1990~~ July 1, 1992. The standards ~~shall~~ must provide that ambulatory surgical facilities that are certified for the federal Medicare and Medicaid programs ~~are deemed to be eligible~~ meet the requirements for state licensure.

3. Annual inspection. The department shall ~~inspect annually ambulatory surgical facilities, except that state inspections need not be performed during a year when a Medicare inspection is performed.~~

Sec. 2. 22 MRSA §1815, as repealed and replaced by PL 1989, c. 878, Pt. A, §60, is amended to read:

§1815. Fees

Each application for a license to operate a hospital, convalescent home or nursing home ~~shall~~ must be accompanied by a nonrefundable fee of \$10 for each bed contained within the facility. Each application for a license to operate an ambulatory surgical facility ~~shall~~ must be accompanied by the fee established by the department. The department shall establish the fee for an ambulatory surgical facility, not to exceed ~~\$250~~ \$500, on the basis of a sliding scale representing size, number of employees and scope of operations. All licenses issued ~~shall~~ must be renewed annually upon payment of a like fee. The State's share of all fees received by the department under this chapter ~~shall~~ must be deposited in the General Fund. ~~No~~ A license granted may not be assignable or transferable. State hospitals are not required to pay licensing fees.

See title page for effective date.

CHAPTER 753

H.P. 1561 - L.D. 2199

An Act to Clarify Responsibility for Workers' Compensation Coverage for Town Forest Fire Wardens and Laborers Hired for Forest Fire-fighting Activities

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, there is significant ambiguity in the law regarding who is responsible for workers' compensation coverage for forest fire wardens and laborers hired for forest fire-fighting activities; and

Whereas, this ambiguity could result in significant costs to forest fire wardens, hired laborers, the State

and municipalities should the forest fire wardens or hired laborers be injured while performing their duties; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 39 MRSA §6 is enacted to read:

§6. Workers' compensation coverage for forest firefighters

Notwithstanding Title 12, section 8901, subsection 2 and Title 12, sections 8902, 8905, 9201, 9202, 9204 and 9205, workers' compensation coverage is provided to forest fire wardens and laborers hired by municipalities for forest fire-fighting activities as follows.

1. Municipal responsibility. The municipality is responsible for workers' compensation costs for injuries that occur while the municipality is in actual control of forest fire suppression activities.

2. State responsibility. The State is responsible for workers' compensation costs for injuries that occur while the State is in actual control of forest fire suppression activities.

For purposes of this section, "actual control" means on-site supervisory responsibility for the entire command structure directing forest fire suppression activities over the fire scene. A municipality is assumed to be in actual control until the State accepts or takes actual control.

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved.

Effective March 27, 1992.

CHAPTER 754

H.P. 1461 - L.D. 2073

An Act to Conform the Maine Income Tax Law for 1991 with the United States Internal Revenue Code

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the 90-day period would delay the processing of the 1991 income tax returns; and

Whereas, legislative action is immediately necessary to ensure continued and efficient administration of the Maine Income Tax Law and certain other state taxes; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 36 MRSA §111, sub-§1-A, as amended by PL 1991, c. 33, §1, and affected by §2, is further amended to read:

1-A. Code. "Code" means the United States Internal Revenue Code of 1986 and amendments to that Code as of December 31, ~~1990~~ 1991.

Sec. 2. Application. This Act applies to tax years beginning on or after January 1, 1991.

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved.

Effective March 27, 1992.

CHAPTER 755

H.P. 1410 - L.D. 2022

An Act to Clarify the Laws Related to Credit Cards

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 9-A MRSA §8-303, sub-§7, as enacted by PL 1991, c. 212, is amended to read:

7. With respect to an open-end credit plan involving a credit card offered in connection with a seller located in this State using cards displaying the name of the seller:

A. The terms of the credit card contract must comply with the laws that would apply if the seller were the creditor; or

B. The name and ~~location~~ state of the financial institution underwriting the debt must appear with equal prominence in at least 10-point type on the face of the credit card ~~with the name of the seller~~.

This subsection applies to any new credit card programs implemented after November 1, 1991 ~~or to the next re-~~

~~newal for any and takes effect on December 31, 1992 for all other credit card accounts existing at that time and programs.~~ A violation of this section constitutes a violation of Title 5, chapter 10, Unfair Trade Practices Act.

Sec. 2. 9-B MRSA §241, sub-§7, as enacted by PL 1991, c. 135, is amended to read:

7. Restrictions on use of names of Maine financial institutions on credit cards. A credit card may be titled and may have on its face the name of a financial institution authorized to do business in this State only if the terms of the credit card contract comply with the laws applicable to that financial institution. This section ~~becomes effective for~~ applies to any new credit card programs implemented after November 1, 1991 ~~or at the next renewal for any and takes effect on December 31, 1992 for all other credit card accounts existing at that time and programs.~~

See title page for effective date.

CHAPTER 756

H.P. 1569 - L.D. 2211

An Act to Amend the State's Unclaimed Property Act

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 33 MRSA §1811-A is enacted to read:

§1811-A. Property originated or issued in State

1. Presumed abandoned. All intangible property, including but not limited to securities, principal, interest, dividends or other earnings on intangible property, less any lawful charges, that is held by a business association, federal, state or local government or governmental subdivision, agency or entity or any other person or entity, regardless of where the holder may be found, is presumed abandoned and subject to the custody of this State as unclaimed property if:

A. The owner has not claimed the property or corresponded in writing with the holder concerning the property within 3 years after the date prescribed for payment or delivery by the issuer, unless the holder is a state that has taken custody pursuant to its own unclaimed property laws, in which case no additional period of holding beyond that of that state is necessary under this section;

B. The last address of the owner is unknown; and

C. The person or entity originating or issuing the intangible property is this State or any political